



George E. Oram, Jr.
Phone 202/828-3455
Fax 202/638-4810
oram.george@arentfox.com
www.arentfox.com

FACSIMILE TRANSMITTAL COVER SHEET

Date/Time: September 29, 2003

No. of Pages: 4
(Including Cover Sheet)

PLEASE DELIVER TO:

Name:

Examiner E. Shriene Willis
Senior Petitions Attorney
Office of Petitions

Fax Number:

703-308-6916

Verify Number:

703-308-5712

Attorney Number: 1549

Client-Matter Number: 101190-00010

Hard Copy Sent: No

Comments:

Re: Request for Reconsideration

U.S. Patent Appln. S.N. 09/728,117

Title: MULTI-CHANNELED LOOP HEAT

TRANSFER DEVICE WITH HIGH FREQUENCY
FINS

By: Byung-Kyu PARK et al

Our Ref: 101190-00010

FAX RECEIVED

SEP 29 2003

PETITIONS OFFICE

THIS FACSIMILE CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ADDRESSEE(S) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS FACSIMILE, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS FACSIMILE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL FACSIMILE TO US AT THE ADDRESS BELOW VIA THE POSTAL SERVICE. THANK YOU.

Please Call Our Fax Operator As Soon As Possible If Transmission Is Not Complete:

202/848-3453

Arent Fox Kintner Plotkin & Kahn, PLLC

1050 Connecticut Ave., NW, Suite 400, Washington, D.C. 20036-5339

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Byung-Kyui PARK et al

Group Art Unit:

Serial No.: 09/728,117

Examiner:

Filed: December 4, 2000

FAX RECEIVED

For: MULTI-CHANNELED LOOP HEAT TRANSFER
DEVICE WITH HIGH EFFICIENCY FINS

SEP 29 2003

PETITIONS OFFICE

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 1.153(e) TO ACCORD A FILING DATE

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

September 29, 2003 (Via Facsimile)

Sir:

In response to the Decision on Petition mailed September 9, 2003, in the above-identified application, the Petitioner requests reconsideration of the dismissal of the Petition Under 37 C.F.R. 1.53(e). The papers submitted with the initial Petition of August 20, 2003, included not only a copy of the Applicants' postcard receipt showing the Office of Initial Patent Examination generated barcode with a date of December 4, 2000, but also as acknowledged in the Decision on Petition, indicated that the postcard listed the filing of 35 pages of new application, \$395 in fees, a small entity declaration, an assignment, a declaration, a priority document and 17 pages of drawings. Copies of all of these papers, with the exception of the priority document, were submitted together with Applicants' "Petition" of August 20, 2003. That is, a copy was supplied of the 35 pages of new application (specification and claims), a small entity declaration, assignment, a declaration, 17 pages of drawings and copy of the cover certification the priority document.

Adjustment date: 11/03/2003
05/29/2003 SPIRETAI 00000074 05/28/27
01 FC:8026
11/03/2003 RHELLEY 00000013 012300 09728117
01 FC:2001 225.00 DA 130.00 DP

Apparently from the Decision on Petition, the Patent Office has managed to find an application with at least 35 pages of application present as of December 4, 2000, with said pages being part of a Korean priority document in the Korean language. In other words, the Patent Office has managed to loose the original English language specification and claims, but did managed to retain in some unknown manner, the priority document. It is submitted that the postcard provides prima facia evidence that the new application as stated on the postcard, which includes not only the priority document, but also 35 pages of specification and claims, and 17 pages of drawings were timely submitted on December 4, 2000.

It is not understood why the Patent Office is ignoring this evidence and suddenly requiring that a certified, true and complete English translation of the Korean language priority document be required. Is this Decision stating that the prima facia evidence is not sufficient? If so, in what way is it deficient?

It is respectfully petitioned that the application is already entitled to a December 4, 2000, filing date on the basis of the evidence submitted. Further, the Applicants should be entitled to the filing date and the use of the copy of the file submitted with their Petition of August 20, 2003, on the basis that the Patent Office had certainly received not only the priority document, but also the \$355 filing fee. This was admitted in the Notice of Termination of Proceedings dated May 29, 2003.

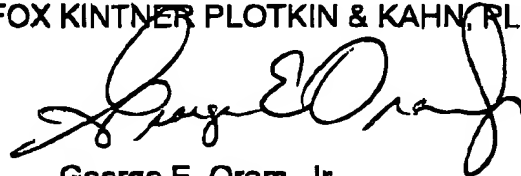
Further, it is not understood why suddenly the Applicants are being required to pay a \$130 processing fee for submission of an English translation of the Korean application, when an English language specification and claims were filed as the application on December 4, 2000.

Thus, it is respectfully requested that this dismissal of the Applicants' Petition be reversed and the Petition for grant of a filing date of December 4, 2000, be granted. Applicants have provided more than enough evidence and the Patent Office has admitted more than sufficient facts to show that the documents were in fact filed on December 4, 2000. As such, using the additional copies provided on August 20, 2003, the Patent Office has in hand all of the documents necessary to complete the application. The Patent Office is entitled to charge Deposit Account 01-2300 for the

remaining monies needed for the \$355 filing fee for this application. It is not acceptable and the Patent Office is not authorized to charge the Deposit Account for any submission of an English language translation or any processing and retention fees.

In the event that any fees are due with respect to this paper, please charge Deposit Account No. 01-2300.

Respectfully submitted,
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC



George E. Oram, Jr.
Registration No. 27,931

Atty. Docket No.: 101190-00010

Customer No. 004372
1050 Connecticut Avenue, N.W.
Suite 400
Washington, D.C. 20036-5339
Tel (202) 857-6000
Fax (202) 638-4810

GEO:mmg